

FAX RECEIVED

JUL 19 2002

GROUP 1600

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Duvick, et al.
SERIAL NO : 09/658,835
FILED : September 8, 2000
TITLE : AMINO POLYOL AMINE OXIDASE POLYNUCLEOTIDES AND
RELATED POLYPEPTIDES AND METHODS OF USE

Grp./A.U. : 1638
Examiner : Ibrahim, M.
Conf. No. : 2865
Docket No. : P05573US2

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Restriction Requirement dated June 18, 2002, applicant hereby elects with traverse to proceed with Group I - claims 1-9, 11-14 and 33-38, drawn to an isolated polynucleotide encoding APAO operably linked to a fumonisin esterase polynucleotide, expression vector comprising a promoter and a signal sequence, plant/seed. In addition, applicant elects sequence L, which is SEQ ID NO:50, or a polynucleotide encoding SEQ ID NO:51. In addition, invention N, SEQ ID NO:24, which is the construct BAA:ESP:trAPAO is elected. Claims 10, 15-32 and 39-41 will be canceled once a notice of allowance is received for Group I.

CERTIFICATE OF FACSIMILE TRANSMISSION (37 C.F.R. § 1.6(a)(3))

I hereby certify that this document and the documents referred to as enclosed therein are being transmitted via facsimile to: Technology Center 1600 (Art Unit 1638) 703-872-9306, Attn: Assistant Commissioner for Patents, Washington, D.C. 20231, on this 18th day of July, 2002.


Heidi S. Nebel

FAX RECEIVED

JUL 19 2002

GROUP 1600

REMARKS

Claims 1-41 are pending in this application. The Examiner has restricted the claims to five groups: Group I - claims 1-9, 11-14, 33-38, drawn polynucleotide encoding an APAO operably linked to a fumonisin esterase polynucleotide; Group II - claim 10, drawn to an isolated polypeptide; Group III - claims 15-20, 21, 25-27, drawn to a method for degrading fumonisin by external application of APAO; Group IV - claims 22-24, 28-29, 30-32, drawn to a method for identifying a transformed plant by cells expressing APAO encoding polypeptide or in combination with as esterase encoding a polypeptide; and Group V - claims 39-41, drawn to a method of predicting possible mutagenesis in APAO by using automated modeling program. Additionally the election requests an election of sequence A-O as alternate nucleotide sequences.

No fees or extensions of time are believed to be due in connection with this election; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



Heidi S. Nebel, Reg. No. 37,719
McKEE, VOORHEES & SEASE, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, IA 50309
Phone: 515-288-3667
Facsimile: 515-288-1338
CUSTOMER NO. 27142
Attorneys of Record

- pw -